

1 SHARI L. WHITE, SBN 180438
SARA ZALKIN, SBN 223044
2 506 Broadway
San Francisco CA 94133
3 Telephone: 415/986-5591

4 Attorneys for Defendant
JOSE CASTELLANOS
5
6
7

8 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

CR 04-40148 DLJ

13 v.

STIPULATION AND ORDER TO
CONTINUE STATUS HEARING

14 JOSE CASTELLANOS,

15 Defendant.
16 _____/

17 At the request of the parties, the Court enters this order
18 (1) continuing the hearing presently set for February 6, 2009,
19 at 11:00 a.m. to March 20, 2009 at 11:00 a.m., for change of
20 plea; and (2) excluding time under the Speedy Trial Act from
21 February 6, 2009, based on the following:

22 1. Since the last appearance before this Court on
23 December 12, 2008, the parties have met twice for the specific
24 purpose of analysis of financial documents relevant to material
25 provisions of the contemplated plea agreement.

26 2. Assisted by case agents, the government provided and
27 continues to provide financial records pertaining to Mr.

28 Castellanos that date back (in most instances) more than eight

1 years.

2 3. The discussions have become sufficiently focused as to
3 the financial picture that the parties believe the last step is
4 to attempt to locate, within all of the seized documents, copies
5 of checks/checkstubs that defense counsel is informed and
6 believes will establish legitimate income.

7 4. On defense counsel's information and belief, Mr.
8 Castellanos attempted to obtain these materials on his own
9 from his financial institution but was told that the records
10 went back only five to seven years.

11 5. As before, counsel are generally in agreement upon
12 the offense of conviction and have tentaviely agreed upon the
13 base offense level for purposes of Guidelines calculations.

14 6. A draft plea agreement is expected before the end of
15 the month, which should be sufficient time to finalize the state
16 of the financial component.

17 7. Both defense counsel are scheduled for trial before
18 the Honorable Judge Armstrong on March 9, 2009 in United States
19 v. Aguilar.

20 8. The parties understand that the Court is eager to see
21 this matter go forward, and reasonably anticipate appearing on
22 March **20**, 2009 for change of plea.

23 9. Accordingly, the parties mutually request that the
24 February 6, 2009, date be vacated and that the matter be
25 continued to March **20**, 2009 at 11:00 a.m. for change of plea.

26 10. The parties stipulate that the time is excludable from
27 the time limitations of the Speedy Trial Act because the
28 interests of justice are served by granting a continuance. This

1 continuance, requested by the parties, will permit continuity of
2 counsel, and allow the reasonable time necessary for effective
3 preparation, taking into account the exercise of due diligence.
4 18 U.S.C. sections 3161(h)(8)(A) and (B)(iv).

5 THE PARTIES THEREFORE STIPULATE that the hearing for change
6 of plea or motions/trial setting be continued from February 6,
7 2009 to March **20**, 2009 with time continuing to be excluded as
8 specified above, such that the ends of justice served by
9 granting such a continuance outweigh the best interests of the
10 public and the defendant in a speedy trial.

11 Dated: February 4, 2009

12
13 /s/ SHARI L. WHITE
14 SHARI L. WHITE
15 Attorney for JOSE CASTELLANOS


13 /s/ TIMOTHY J. LUCEY
14 TIMOTHY J. LUCEY
15 Assistant U.S. Attorney

16 **ORDER**

17 Good cause appearing, and based upon the stipulation of the
18 parties,

19 **IT IS HEREBY ORDERED** that the hearing in this matter is
20 continued to March **20**, 2009, at the hour of 11:00 a.m. and that
21 time is excluded as stipulated.

22 Dated: February 5, 2009

23
24 
25 D. LOWELL JENSEN, Judge
26 United States District Court
27
28